

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

TALBOT 2002 UNDERWRITING CAPITAL, LTD.;
WHITE MOUNTAINS RE SIRIUS CAPITAL, LTD.;
and MARKEL CAPITAL LIMITED,

Plaintiffs,

v.

Civil Action No. 5:15-CV-12542
Honorable Irene C. Berger

OLD WHITE CHARITIES, INC.,

Defendant/Third-Party Plaintiff.

v.

HCC SPECIALTY UNDERWRITERS, INC.;
ALL RISKS, LTD.; and UNDERWRITERS
AT LLOYD'S LONDON,

Third-Party Defendants.

**THIRD-PARTY DEFENDANT ALL RISKS LTD.'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW Third-Party Defendant, All Risks Ltd. ("All Risks"), by and through its undersigned counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure and hereby moves this Honorable Court for summary judgment on Third Party Plaintiff Old White Charities, Inc.'s ("Old White's") claims.

The reasons and authorities in support of the motion are more fully set forth in the Memorandum of Law in Support of Third Party Defendant, All Risks' Motion for Summary Judgment which is filed contemporaneously herewith, and supporting Exhibits, All Risks' Exhibits 1-40, which are identified in the attached Appendix, and filed as attachments hereto and in support of this motion.

For all of the reasons and authorities set forth in the accompanying Memorandum, Third Party Defendant, All Risks, respectfully moves that the motion for summary judgment be granted, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted the 15th day of September, 2016.

**Third-Party Defendant,
ALL RISKS, LTD., By Counsel:**

/s/ Debra Tedeschi Varner

James A. Varner, Sr. (WV State Bar #3853)
Debra Tedeschi Varner (WV State Bar #6501)
James N. Riley (WV State Bar #3111)
Empire Building - 400 West Main Street
P. O. Drawer 2040
Clarksburg, WV 26302-2040
Telephone: (304) 626-1100
Facsimile: (304) 623-3035

McNeer, Highland, McMunn and Varner, L.C.
Of Counsel

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

TALBOT 2002 UNDERWRITING CAPITAL, LTD.;
WHITE MOUNTAINS RE SIRIUS CAPITAL, LTD.;
and MARKEL CAPITAL LIMITED,

Plaintiffs,

v.

Civil Action No. 5:15-CV-12542

OLD WHITE CHARITIES, INC.,

Defendant/Third-Party Plaintiff.

v.

HCC SPECIALTY UNDERWRITERS, INC.;
ALL RISKS, LTD.; and UNDERWRITERS
AT LLOYD'S LONDON,

Third-Party Defendants,

and

BANKERS INSURANCE, LLC,

Cross-Claim Plaintiff,

v.

HCC SPECIALTY UNDERWRITERS, INC.,
and ALL RISKS, LTD.,

Cross-Claim Defendants.

CERTIFICATE OF SERVICE

This is to certify that on the 15th day of September, 2016, the undersigned counsel served the foregoing ***“THIRD-PARTY DEFENDANT ALL RISKS, LTD.’S MOTION FOR SUMMARY JUDGMENT”*** upon counsel of record via one or more of the following methods: (1) electronic notification through the Court’s CM/ECF system; and/or (2) facsimile, and/or (3)

depositing true copies in the United States Mail, postage prepaid, in envelopes addressed as follows:

Paul L. Fields, Esquire
Jocelyn C. DeMars, Esquire
Joseph C. Gebara, Esquire
Fields Howell, LLP
191 Peachtree Street, N.E., Suite 4600
Atlanta, GA 30303
*Co-Counsel for Talbot 2002 Underwriting Capital Ltd.,
White Mountains Re Sirius Capital Ltd.; Markel Capital Limited;
HCC Specialty Underwriters, Inc.; and Underwriters at Lloyd's London*

Lee Murray Hall, Esquire
Sarah A. Walling, Esquire
Jenkins Fenstermaker
P. O. Box 2688
Huntington, WV 25726-2688
*Co-Counsel for Talbot 2002 Underwriting Capital Ltd.,
White Mountains Re Sirius Capital Ltd.; Markel Capital Limited;
HCC Specialty Underwriters, Inc.; and Underwriters at Lloyd's London*

Stuart A. McMillan, Esquire
Joshua A. Johnson, Esquire
Bowles Rice LLP
600 Quarrier Street
Charleston, WV 25301
Co-Counsel for Bankers Insurance, LLC

Douglas M. Palais, Esquire
Ashley G. Moss, Esquire
Vandeventer Black LLP
707 E. Main Street, Suite 1700
P. O. Box 1558
Richmond, VA 23218
Co-Counsel for Bankers Insurance, LLC

Marvin W. Masters, Esquire
Kimberly K. Parmer, Esquire
The Masters Law Firm, L.C.
181 Summers Street
Charleston, WV 26301
Counsel for Old White Charities, Inc.

/s/ Debra Tedeschi Varner